

DARTMOUTH CONSERVATION COMMISSION MINUTES – DECEMBER 3, 2019

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THESE MINUTES WERE APPROVED BY THE COMMISSION ON: JANUARY 7, 2020

ATTENDANCE:

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Richard Golen, Joseph Burke

Absent: Patricia Sweriduk, Kyle Ross

Michael O'Reilly, Environmental Affairs Coordinator and Karen Aho, Administrative Assistant

Chairman Michael Kehoe opened the hearing of Tuesday, December 3, 2019, 2019 at 7:01 p.m.

ADMINISTRATIVE:

MINUTES of the November 5, 2019 meeting were unanimously approved by the Commissioners present.

Approval of the FIELD TRIP REPORTS of November 5, 2019 meeting was unanimously accepted by those Commissioners present.

Receipt of the Minutes of November 19, 2019 meeting.

FIELD TRIP REPORTS:

1. *CONTINUED Request for an Extension on the Order of Conditions DEP File# 15-2157 for Leonardo Botelho at Map 53, Lot 1-2 and Map 174, Lot 72 at 150 Cross Road. (SITEC)*

Mr. O'Reilly informed the Commission that this request is for the purpose of an extension request. Mr. O'Reilly explained that piles of debris that had been deposited near the wetland have been removed. He recommended the issuance of a three year extension permit. Kelly Wilbur motioned to issue a three year extension permit with Richard Golen seconding the motion. It was unanimously voted.

2. *Request for an Extension on the Order of Conditions DEP File #15-2343 for MVF Development Corporation at Map 43, Lot 13 on Fairway Drive (SITEC)*

Mr. O'Reilly informed the Commission that this application is for the purpose of an extension request on a single family house. We have received a letter from an engineer requesting an extension. Mr. O'Reilly performed a site visit, found no problems and recommended the issuance of a three year extension permit. Richard Golen motioned to issue a three year extension permit, Kelly Wilbur seconded the motion. It was unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – DECEMBER 3, 2019

3. *Request for an Extension on the Order of Conditions DEP File #15-2341 for MVF Development Corporation at Map 43, Lot 13-2 on Bayberry Lane (SITEC)*

Mr. O'Reilly informed the Commission that this application is for the purpose of an extension request on a single family house. Mr. O'Reilly performed a site visit, found no problems and recommended the issuance of a three year extension permit. Richard Golen motioned to issue a three year extension permit, Kelly Wilbur seconded the motion. It was unanimously voted.

4. *Request for an Extension on the Order of Conditions DEP File #15-0389 for Allen's Pond Association at Map 6, Lot 13, on Barney's Joy Road.*

Mr. O'Reilly informed the Commission that this application is for the purpose of an extension request for Allen's Pond. He explained this is for the dredging of the channel at Allen's Pond. Mr. O'Reilly recommended the issuance of a five year extension permit. Richard Golen motioned to issue a five year extension permit, Richard Mallen seconded the motion. It was unanimously voted.

5. *Request for Determination of Applicability for Robert and Jane Sylvia to confirm the wetland line on land located at Map 23, Lots 48-1 and 48-2 on Horseneck Road (SITEC)*

Mr. O'Reilly explained that this request is for the purpose of a wetland delineation verification. Given the holidays and adverse weather, field work still needs to be completed. Mr. O'Reilly recommended to continue the request until the next meeting. Richard Golen motioned to continue the request for determination until December 17, 2019, Kelly Wilbur seconded the motion. It was unanimously voted.

END OF FIELD TRIP REPORT

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
PETER VIEIRA
MAP 27, LOT 21_34
3 SLADES FARM LANE
DEP FILE 15-2487**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Notice of Intent for Peter Vieira who wishes to restore the bordering vegetated wetlands on land located at Map 27, Lot 21_34, 3 Slades Farm Lane. The public hearing was held on December 3, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Richard Golen, Joseph Burke

Absent: Patricia Sweriduk, Kyle Ross

It was voted to waive the reading of the public notice.

Mr. O'Reilly explained that he and the wetland consultant need to meet in the field to review the delineation. Mr. O'Reilly requested the hearing remain open until the work can be completed.

Chairman Kehoe motioned to continue the Public Hearing until December 17, 2019 with Richard Golen seconding the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
JASON HUTCHENS
MAPS 106 & 107, LOTS 23, 28 AND 13
17 WEST SMITH NECK ROAD
DEP FILE 15-2499**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch.131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw, a Notice of Intent for Jason Hutchens who wishes to construct a single family home on land located at Maps 106 & 107, Lots 23, 28 and Lot 13 on 17 West Smith Neck Road. The public hearing was held on December 3, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Richard Golen, Joseph Burke

Absent: Patricia Sweriduk, Kyle Ross

It was voted to waive the reading of the public notice.

Stevie Carvalho from Farland Corp. appeared on behalf of the applicant. He presented a new plan with the demarcation of the bordering vegetated wetlands. The plan included a 4 foot wide trench, 6 inches of crushed stone and 3 inches of mulch on top of the filter fabric. A maintenance schedule was provided to include inspection, removal of trash on a monthly basis, and removal of vegetation in early spring or late fall.

Mr. O'Reilly explained that he agreed with the filter strip and demarcation. The new plan was received today and will need a 5 day review. Mr. O'Reilly requested the hearing remain open until the next public hearing to allow time to review the plan.

It was motioned by Chairman Michael Kehoe to continue the hearing to December 17, 2019, Richard Golen seconded the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
BRIAN STORER, WINDSONG, LLC
MAP 125, LOTS 19, 19-1 THRU 19-7
OFF JASON DRIVE
DEP FILE 15-2491**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch.131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw, on a Notice of Intent for Brian Storer, Windsong LLC, who proposes a five lot open space residential development on land located at Map 125, Lots 19, 19-1 through 19-7 Off Jason Drive. The public hearing was held on December 3, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Richard Golen, Joseph Burke

Absent: Patricia Sweriduk, Kyle Ross

It was voted to waive the reading of the public notice.

The applicant has requested a continuance to December 17, 2019.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
BORREGO SOLAR SYSTEMS, INC.
MAP 60, LOTS 2, 2-3, 4, 14 AND 19
451 HIGHLAND AVENUE
DEP FILE 15-2497**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on A Notice of Intent for Borrego Solar Systems, Inc. who wishes to construct a ground mounted solar photovoltaic array on land located at Map 60, Lots 2, 2-3, 4, 14 and 19 on 451 Highland Ave. The public hearing was held on December 3, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Richard Golen, Joseph Burke

Absent: Patricia Sweriduk, Kyle Ross

It was voted to waive the reading of the public notice.

The applicant has requested a continuance to December 17, 2019.

It was unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – DECEMBER 3, 2019

**PUBLIC HEARING
NOTICE OF INTENT
NBD SOLAR, LLC
MAP 85, LOTS 8-3, 8-4 AND 9
JOHN VERTENTE BLVD
DEP FILE 15-2498**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Notice of Intent for NBD Solar, LLC who wishes to construct a ground mounted solar photovoltaic array on land located at Map 85, Lots 8-3, 8-4, and 9 on John Vertente Blvd. The public hearing was held on December 3, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Richard Golen, Joseph Burke

Absent: Patricia Sweriduk, Kyle Ross

It was voted to waive the reading of the public notice.

Julie Goodwin from Prime Engineering appeared on behalf of the applicant, NBD Solar, LLC. Ms. Goodwin explained that comments from the stormwater consultant were received. Those comments were addressed with the submittal of a new plan.

Mr. O'Reilly commented that plan changes were received. Additional discussions have occurred regarding clarification on how the analysis was done on the isolated land subject to flooding and the jurisdictional analysis on whether or not it qualified as a vernal pool. Mr. O'Reilly recommended the closing of the public hearing.

Chairman Michael Kehoe motioned to close the Public Hearing with Richard Mallen seconding the motion.

Kelly Wilbur motioned to issue a standard Order of Conditions according to the latest plan submitted with Joseph Burke seconding the motion.

It was unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – DECEMBER 3, 2019

ITEMS FOR DISCUSSION:

- A. Bills:
 - Gus Raposo – stormwater consultant review, John Vertente Blvd.
 - Forestry Suppliers – field supplies

- B. Enforcement Update – 82 Merrimac Street
Chairman Michael Kehoe motioned to issue an enforcement order, Richard Mallen seconded the motion.

- C. Conservation Meetings - Reschedule March 3, 2020 and April 7, 2020
Voted to reschedule March 3, 2020 meeting to March 2, 2020 due to presidential primary election
Voted to reschedule April 7, 2020 meeting to April 6, 2020 due to annual town election

- D. Other Items not Reasonably Anticipated by the Chair

- E. Future staffing needs Conservation Office
Mr. O'Reilly shared his succession plan and the need for a full time administrative aide in the Conservation Office. The Commission voted in favor of adding a full time administrative aide into the upcoming budget to be submitted.

- F. This time is reserved for discussion on any topic(s) by commissioners

MEETING ADJOURNED: 7:48 pm

These minutes were tape recorded and are stored digitally in the Town of Dartmouth network folder: G:\CONCOMMINUTES\2019\December 3, 2019 Conservation Minutes; and located in the Conservation Commission Office for listening purposes upon verbal request.

Transcribed By,

Karen Aho, Administrative Assistant

For the Commission